

**Staff Report
Mount Airy Town Council
Public Hearing
February 19, 2020**

**Rezoning Request: #2019-01
1801 South Main Street**

Owner:	Thomas & Kurt Vosloh 14187 Day Avenue Mount Airy, Maryland 21771
Developer:	DMS Development LLC 110 East Pennsylvania Avenue, Suite 210 Towson, Maryland 21286
Site Location:	1801 South Main Street Mount Airy, Maryland 21771
Engineer:	CLSI 439 East Main Street Westminster, Maryland 21157
Current Zoning:	RE – Residential Existing
Requested Re-Zoning:	CC – Community Commercial
Total Parcel:	5.2796 +/-acre
Requested Acreage:	2.5516 +/-acre
Map/Grid/Parcel:	0602/0019/1116
Liber / Folio:	9104/154

Request:

The applicant is requesting to rezone a 2.5516 acre portion (see exhibit) of the current 5.2796 acre parcel located at 1801 South Main Street, Mount Airy Maryland, 21771. The applicant seeks annexation outside the comprehensive rezoning process on the basis of a Mistake & Substantial Change in neighborhood.

History:

Prior to the construction of the by-pass MD Rt. 27 around the Town of Mount Airy, this parcel was a farm along the edge of what was Main Street. This parcel is located toward the most Southern portion of the Town limits at the end of the old South Main Street, MD 808, that's now a dead end with a cul sac. This parcel also has frontage along a portion of South Main Street MD 808 that extends down to an apparent SHA right of way at MD Rt. 27 intersection, though the applicant contends that the SHA right of way in fact does not exist, but was picked up on our zoning maps, including that which was contained in our 2013 comprehensive or "master" plan, because like other jurisdictions, we take our zoning maps from SHA maps, and in this case according to the applicant, the SHA maps picked up and carried forward over the years a once *proposed* right of way that never was created. The effect, according to the applicant, was that the parcel at issue was depicted much smaller in our comprehensive plan and resulting zoning map than the parcel actually is, resulting in a large portion of the parcel being "unzoned".

Surrounding Neighborhood:

The parcel has been shown as Low density residential / RE - Residential Existing, in all Comprehensive Master Plans 1982 thru 2013, the current Comprehensive Master Plan. The adjoining parcels to the North are Zoned CC-Community Commercial "Pizza Hut, McDonald's, Mamma Angela, and Highs store". The parcels located to the West are a mix of Town owned property "Mount Airy South Main street sign" and RE - Residential Existing.

Findings:**Population:**

Current population of the Town of Mount Airy is estimated at 9358 people within the corporate limits. This estimated is based upon the Carroll County Planning Department population estimates dated October 2019. The population estimates also indicated that the population in 2013 was 9349 people within the corporate limits. So, there has not been significant population growth since the 2013 Master Plan.

Public Facilities:

As to public facilities related to police and fire, fire is currently meeting response time within the Town of Mount Airy for fire and EMS. The Police department is also adequate with the town code indicating 1 sworn officer for every 1000 people with 10 sworn officers. Water and sewer capacity are available, but water allocation approval would need to be granted as part of the site plan approval process.

Transportation Patterns:

This subject parcel is located at a major intersection within the town limits along South Main Street and the intersection of MD Rt. 27 and the on ramp to Interstate I-70 heading west. The closest intersecting road adjacent to this property is Ridgeside Drive. This intersection is highly congested with most of the traffic generated by the Commercial uses that directly access South Main Street from Ridgeside Drive. Future traffic transportation patterns can be hard to predict for existing use and future uses not approved yet. Currently the Town staff is reviewing a possible use replacing the parcel where the Pizza Hut is located a Chick-Fil-A. It is expected that traffic movement at this intersection will increase due to the proposed redevelopment of this parcel.

Existing / Future Land use:

The existing land used with relationship to the 2013 Comprehensive Master Plan indicates the zoning as RE-Residential Existing. Future land use designation in the 2013 Comprehensive or "Master" Plan is indicated as RE -Residential Existing. So, the land use proposed by the applicant would not be consistent with the Town's Comprehensive Plan as far as future land use and development is concerned. There is no new development located on the South side of Main Street near this parcel since adoption of that Master Plan.

Planning Commission Recommendation:

The request for rezoning the 2.5516 acre portion of the Vosloh property from RE-Residential Existing to CC-Community Commercial was presented to the Planning Commission. The Planning Commission voted on September 20, 2019, the request for rezoning, the motion passed with a 4 to 1 vote.

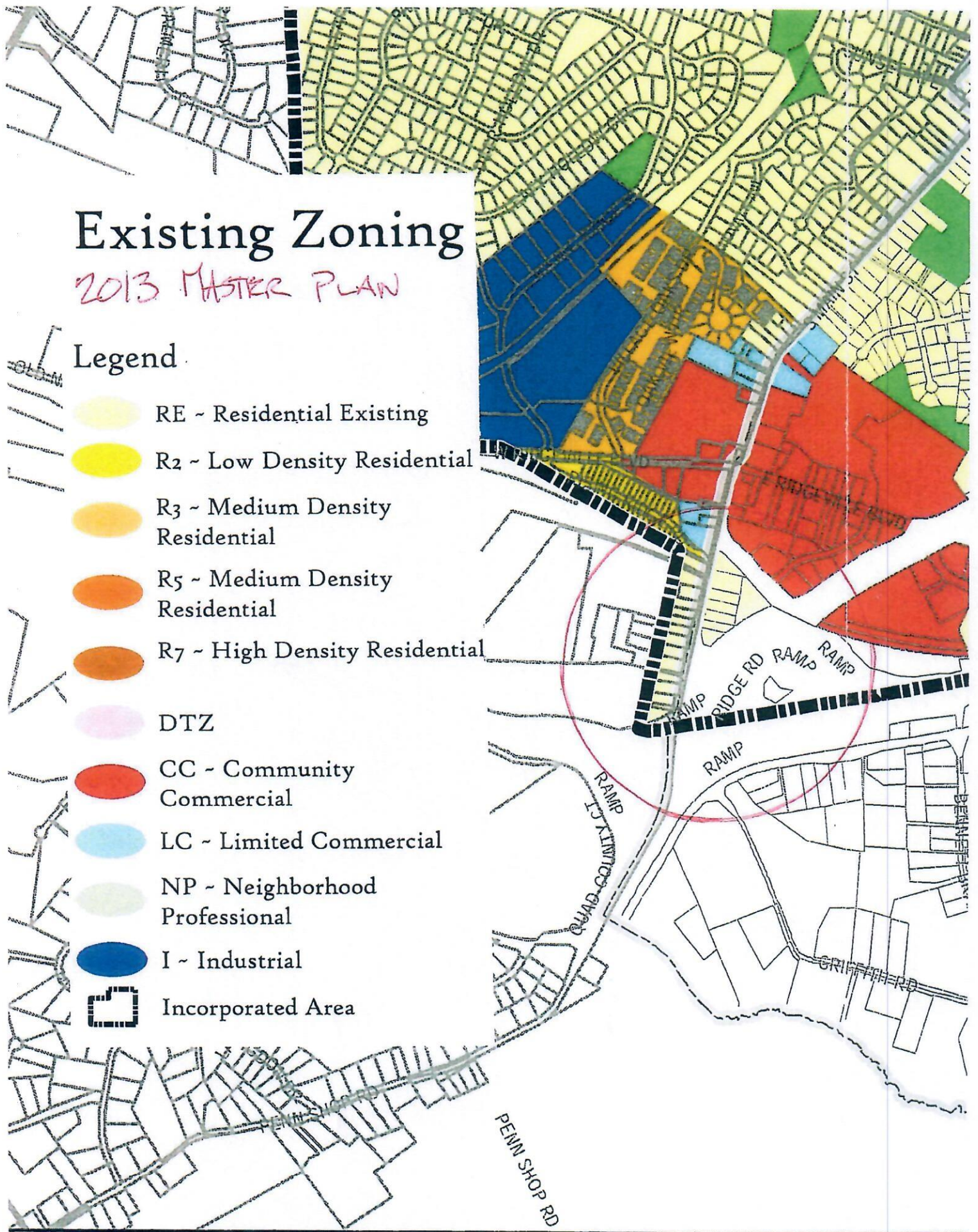
"To not recommend the rezoning request".

Existing Zoning

2013 MASTER PLAN

Legend

- RE ~ Residential Existing
- R2 ~ Low Density Residential
- R3 ~ Medium Density Residential
- R5 ~ Medium Density Residential
- R7 ~ High Density Residential
- DTZ
- CC ~ Community Commercial
- LC ~ Limited Commercial
- NP ~ Neighborhood Professional
- I ~ Industrial
- Incorporated Area



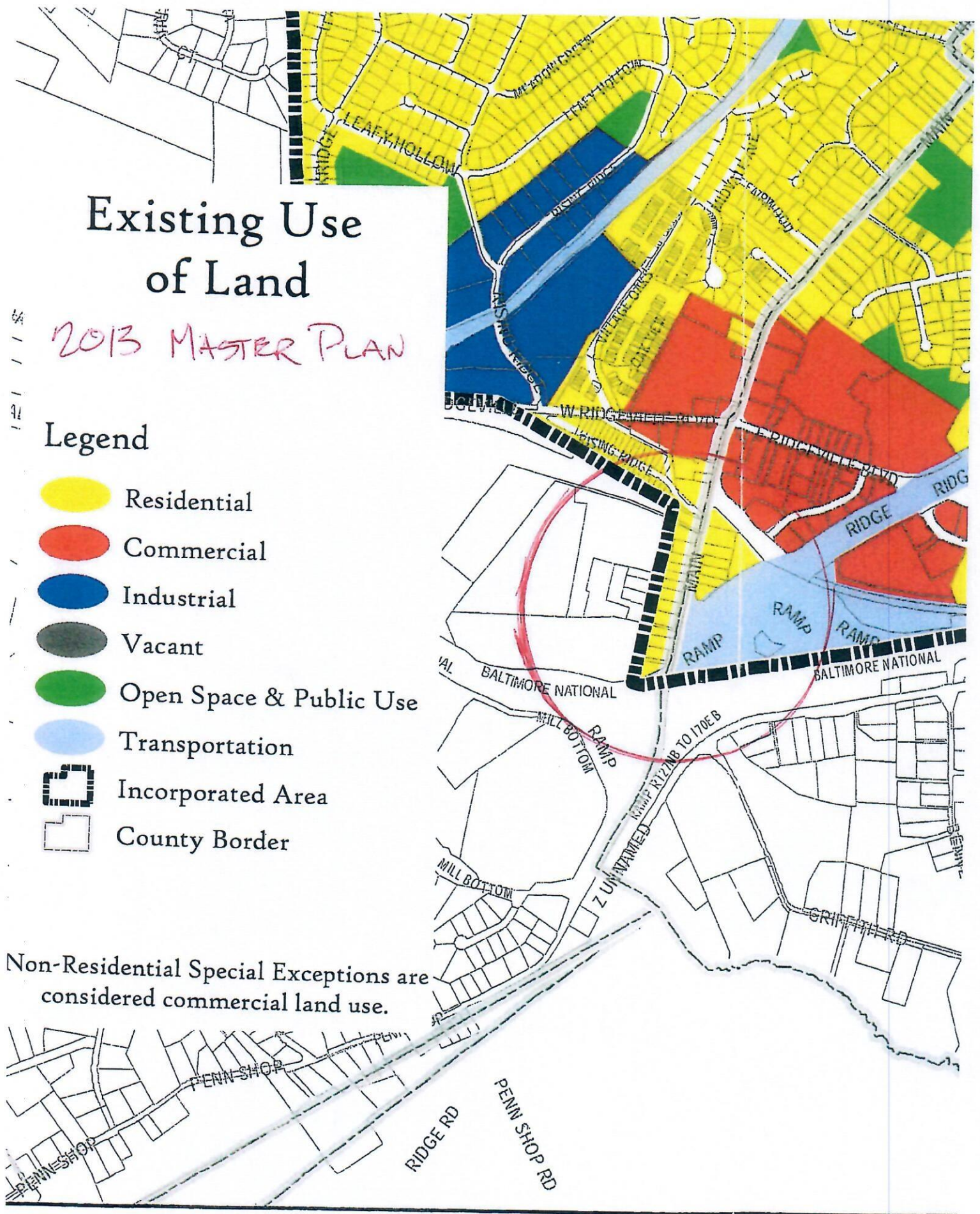
Existing Use of Land

2013 MASTER PLAN

Legend

- Residential
- Commercial
- Industrial
- Vacant
- Open Space & Public Use
- Transportation
- Incorporated Area
- County Border

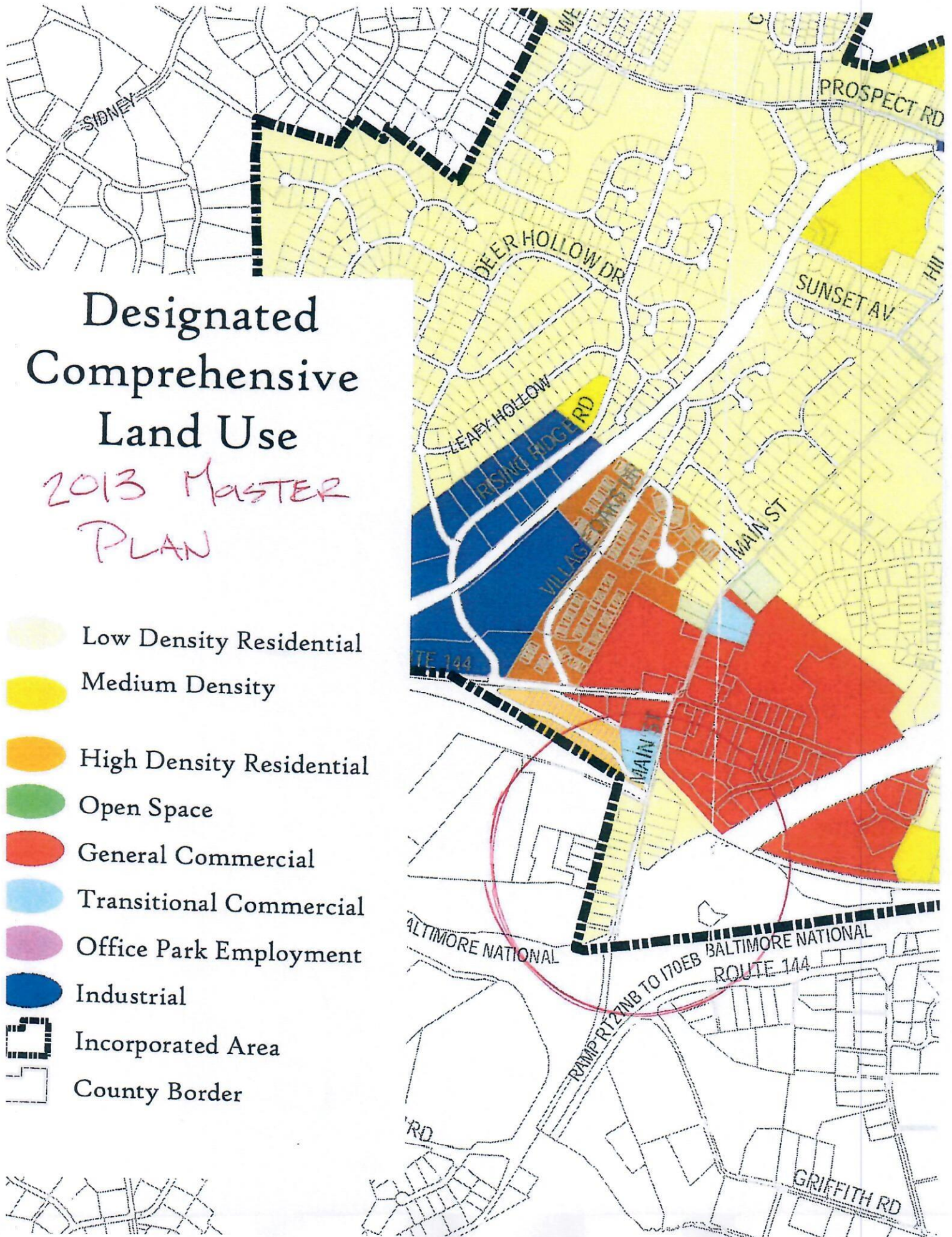
Non-Residential Special Exceptions are
considered commercial land use.



Designated Comprehensive Land Use

2013 MASTER
PLAN

- Low Density Residential
- Medium Density
- High Density Residential
- Open Space
- General Commercial
- Transitional Commercial
- Office Park Employment
- Industrial
- Incorporated Area
- County Border



2013 MASTER PLAN

RE-Residential Existing: This zoning classification provides a minimum lot size of 14,000 square feet, with an average of 18,000 square feet. It was designed to and encompasses the majority of the Town's existing low- and medium- density development. The zone is designated in the core areas of Town along Main Street, North Main Street, Park Ave and Ridge Ave. It also includes the western portion of Mount Airy: Twin Ridge, Village Gate, Mount Airy Village East and West and the Westridge Subdivision.












R1-Low Density Residential: This zoning classification establishes a minimum area of 18,000 square feet with an average of 24,000 square feet. It was recently adopted to allow for the provision of low-density development with concentration on good land management and harmony with the physical environment. This classification has not yet been assigned to any land areas within the municipal limits, but may be used alone or in conjunction with other

CC-Community Commercial: This zone allows a wide variety of commercial uses, including shopping centers and special uses within the commercial zone such as gas stations, hospitals, institutions and nursing home facilities. This zone is concentrated along Rt. 27 and on Ridgeville Boulevard. There are several areas of commercial zoning which abut existing residential development and cause conflicts as well as basic compatibility problems. This zone does not prevent the construction of big box retail if they have adequate land area, however, retail and commercial uses over 65,000 square feet require special exception approval.

Legend

-  ccborder
-  Corporate Limits

Zoning Mt. Airy (Carroll)

-  RE
-  R2
-  R3
-  R5
-  R7
-  R40
-  Downtown Zone
-  Community Commercial
-  Limited Commercial
-  Neighborhood Professional
-  Industrial

2019
ZONING
Map
CARROLL
County
GOVERNMENT



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September 20, 2019

VIA FIRST CLASS AND ELECTRONIC MAIL
jbreeding@mountairymd.gov

Mr. John Breeding
Town of Mt. Airy
110 S. Main Street
P.O. Box 50
Mt. Airy, MD 21771


RE: DMS Development Rezoning Application: Vosloh Property: Your Case No. 2019-01

Dear John:

At your request I am summarizing modifications that the Applicant is making to the aforementioned rezoning request with the consent of the property owner. You may recall that when we filed last year, the Applicant requested the rezoning of the entirety of the Vosloh property from the existing RE - Residential Existing Zoning District to the CC - Community Commercial Zoning District.

As you also know, within the last several months the Applicant has conducted a boundary survey and discovered errors in the State tax maps based on incorrect State Highway Administration plat maps for the relocation of Maryland Route 27. These tax maps formed the basis for planning and zoning mapping in the Town of Mt. Airy, including the property boundaries of the Vosloh property depicted on the Town's zoning maps. As a result of the Applicant's survey of the site, it appears that the Vosloh property in total consists of over 5.25 acres. A copy of this boundary survey has already been introduced by the Applicant.

With the property owner's consent, the Applicant proposes to modify their Application to limit the area of requested rezoning to that depicted on the attached sketch. The reduced area for which rezoning is sought is that outlined in red and labeled in red "Amended Area to be Rezoned" consisting of 2.5516 acres, more or less, as shown on the attachment.

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Mr. John Breeding
September 20, 2019
Page 2

Applicant proposes no other substantive changes to the proposed utilization of the property, merely this new boundary for the area sought to be rezoned and an overall reduction in the area of the requested rezoning.

In the event of a successful rezoning we propose that the development of the rezoned area will consist not only of an application for site plan review, but a subdivision request to be made simultaneously therewith to divide the rezoned area from the remaining Vosloh property.

Thank you very much for your attention. Please feel free to contact me at this office in the event you have any questions or comments.

Very truly yours,

HOFFMAN, COMFORT, OFFUTT,
SCOTT & HALSTAD, LLP



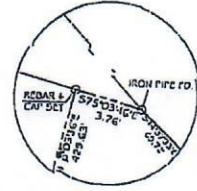
David K. Bowersox

DKB/kat
Enclosure

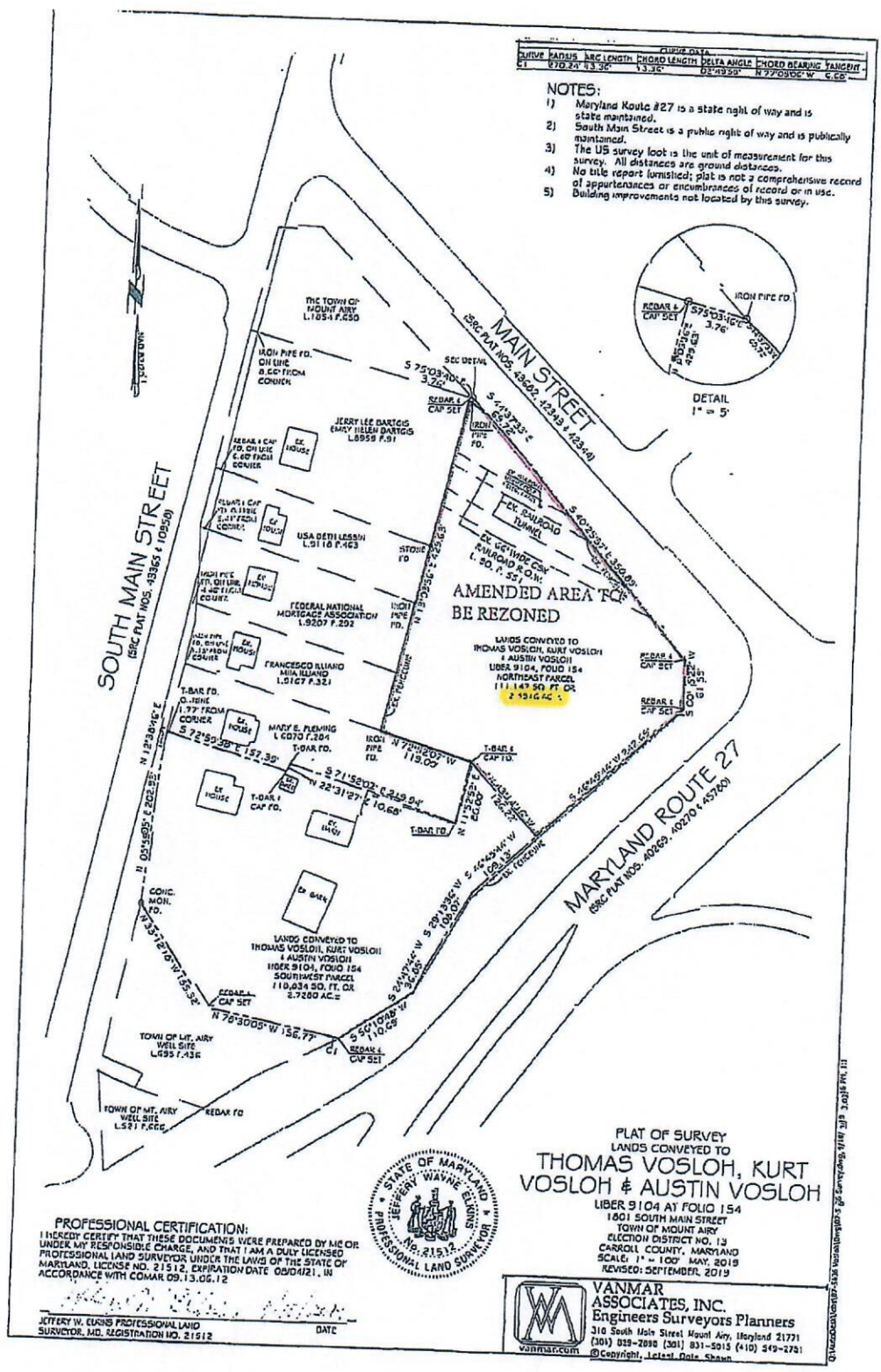
cc: Ms. Debbie Clinton
Thomas V. McCarron, Esquire
Mr. David Schlachman
Ms. Wendy Crites
Mr. Kurt Vosloh
Mr. Edmund R. Cueman
Mr. Ron Thompson

CURVE DATA				
CHORD	RADIUS	ARC LENGTH	CHORD LENGTH	DELTA ANGLE
1	170.47	13.36	13.36	90° 00' 00"
2	170.47	13.36	13.36	90° 00' 00"

- NOTES:
- 1) Maryland Route #27 is a state right of way and is state maintained.
 - 2) South Main Street is a public right of way and is publically maintained.
 - 3) The US survey foot is the unit of measurement for this survey. All distances are ground distances.
 - 4) No title report furnished; plat is not a comprehensive record of appurtenances or encumbrances of record or in use.
 - 5) Building improvements not located by this survey.



DETAIL
1" = 5'



PROFESSIONAL CERTIFICATION:
 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE, AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 21512, EXPIRATION DATE 09/01/21, IN ACCORDANCE WITH COMAR 09.13.06.12



PLAT OF SURVEY
 LANDS CONVEYED TO
**THOMAS VOSLOH, KURT VOSLOH
 & AUSTIN VOSLOH**

LIBER 9104 AT FOLIO 154
 1801 SOUTH MAIN STREET
 TOWN OF MOUNT AIRY
 ELECTION DISTRICT NO. 13
 CARROLL COUNTY, MARYLAND
 SCALE: 1" = 100' MAY, 2019
 REVISED: SEPTEMBER, 2019



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 Engineers Surveyors Planners
 310 South Main Street Mount Airy, Maryland 21771
 (301) 839-2898 (301) 831-5013 (410) 349-2751
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JEFFERY W. EVANS PROFESSIONAL LAND SURVEYOR, MD, REGISTRATION NO. 21512 DATE